

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MALIK KHASRU,

Petitioner,

Hon. Janet T. Neff

v.

Case No. 1:16-CV-974

REBECCA ADDUCCI,

Respondent.

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REPORT AND RECOMMENDATION

This matter is before the Court on Respondent's Motion to Dismiss for Mootness. (ECF No. 5). In accordance with 28 U.S.C. § 636(b) authorizing United States Magistrate Judges to submit proposed findings of fact and recommendations for disposition of prisoner petitions, the undersigned recommends that Respondent's motion be **granted**.

ANALYSIS

On or about September 23, 2015, Petitioner illegally entered the United States and “was taken immediately into ICE custody.” (ECF No. 1 at PageID.5-7). On February 10, 2016, an immigration judge ordered that Petitioner be removed to Bangladesh. (ECF No. 1 at PageID.5; ECF No. 6-1 at PageID.40). Petitioner initiated the present action on August 3, 2016, alleging that his continued detention by the United States was unconstitutional. (ECF No. 1). Petitioner has not challenged the order that he be removed from this country, but instead requested only that the Court

“order ICE to release me from detention either to Bangladesh or put me on order of supervision.” (ECF No. 1 at PageID.8). On November 14, 2016, Petitioner was removed to Bangladesh. (ECF No. 6-1 at PageID.40). Respondent now moves the Court to dismiss this action on the ground that it is now moot. Because Petitioner is no longer in ICE custody and has been removed from the United States, his petition for relief is moot. *See, e.g., Van v. Adducci*, 2014 WL 5307915 at *2 (W.D. Mich., Oct. 16, 2014). Consequently, this case no longer presents an actual case or controversy, divesting the Court of subject matter jurisdiction. *Id.*

CONCLUSION

For the reasons articulated herein, the undersigned recommends that Respondent’s motion be granted and that Khasru’s Petition for Writ of Habeas Corpus be dismissed as moot.

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within 14 days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court’s order. *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

Respectfully submitted,

Date: January 4, 2017

/s/ Ellen S. Carmody
ELLEN S. CARMODY
United States Magistrate Judge